

# EXHIBIT 23

<p style="text-align: right;">686</p> <p>1       Monadnock v. Glasswall - Volume III</p> <p>2       Glasswall employee as well.</p> <p>3       Q    Okay. The attached log issued</p> <p>4       by Chad shows 250 units complete. Your</p> <p>5       E-Mail below states that on Friday, only</p> <p>6       two -- your E-Mail below states that as of</p> <p>7       Friday, 10/18, GW completed 286 units.</p> <p>8       Glasswall is billing for units assembled in</p> <p>9       parcel A only, predicting that they'll have</p> <p>10      550 units completed by 10/31. Okay?</p> <p>11      "Please advise, as we need this</p> <p>12      information to process Glasswall's</p> <p>13      requisition."</p> <p>14      Do you recall getting this</p> <p>15      E-Mail?</p> <p>16      A    Not this specific E-Mail. But</p> <p>17      I recognize Glen in this communication.</p> <p>18      Q    Okay. So now let's go to the</p> <p>19      top.</p> <p>20      So this is Steve Barber.</p> <p>21      You're writing to Frank Monterisi of</p> <p>22      Related, Greg Bauso, Glen Konig, Paul.</p> <p>23      Right? And just go through what you're</p> <p>24      saying here.</p> <p>25      "Attached"?</p>	<p style="text-align: right;">688</p> <p>1       Monadnock v. Glasswall - Volume III</p> <p>2       party, glass, louvers, panels, and so</p> <p>3       forth -- so seeing what they have coming</p> <p>4       down the line or being prepared down the</p> <p>5       line in order to smoothly and efficiently</p> <p>6       run that line and produce it.</p> <p>7       Also, kind of the job-to-date</p> <p>8       numbers varied early, in particular with</p> <p>9       production reporting, what they had</p> <p>10      completed, when they had completed it.</p> <p>11      So there was a variety of</p> <p>12      things that I was trying to help them do to</p> <p>13      try and get a production report that was</p> <p>14      more -- more user friendly and had</p> <p>15      appropriate information in it for all</p> <p>16      parties to see what had been completed,</p> <p>17      what the -- what it looks like coming down</p> <p>18      the pike as well.</p> <p>19      Q    Let's go back to this E-Mail.</p> <p>20      Let's go to the next.</p> <p>21      "As to the forecast of units</p> <p>22      completed by month, it is very difficult to</p> <p>23      gauge that without additional information</p> <p>24      from Glasswall. However, according to the</p> <p>25      information received this morning, they</p>
<p style="text-align: right;">687</p> <p>1       Monadnock v. Glasswall - Volume III</p> <p>2       A    Yeah. So it talks about the</p> <p>3       E-Mail. It says:</p> <p>4       "I received this morning</p> <p>5       Glasswall. Glasswall has had some varying</p> <p>6       counts, and I have not been able to confirm</p> <p>7       the information. Glasswall is still</p> <p>8       working on providing information in a</p> <p>9       meaningful way. I have not seen internal</p> <p>10      reporting systems that are usually</p> <p>11      generated to keep all parties informed.</p> <p>12      John states they are continuing to get</p> <p>13      systems in place."</p> <p>14      Q    Stop.</p> <p>15      So you're referring to internal</p> <p>16      reporting systems. What do you mean by</p> <p>17      that, and generally what -- what would you</p> <p>18      expect to see?</p> <p>19      Talk to them?</p> <p>20      A    Very good.</p> <p>21      So Glasswall, as far as being</p> <p>22      able to have production anticipated so that</p> <p>23      you're synchronizing your inflows of both</p> <p>24      fabricated material as well as material</p> <p>25      that they would have procured from a third</p>	<p style="text-align: right;">689</p> <p>1       Monadnock v. Glasswall - Volume III</p> <p>2       would have to produce at a rate double</p> <p>3       yesterday's production over the next nine</p> <p>4       working days."</p> <p>5       What are you referring to here?</p> <p>6       It sounds like you're skeptical about</p> <p>7       something.</p> <p>8       A    Yeah. So, you know, they --</p> <p>9       they had forecast X number of units by a</p> <p>10      given day. What they were generating or</p> <p>11      capable of generating at any given time was</p> <p>12      usually vastly different than what their</p> <p>13      forecast would say that they could produce.</p> <p>14      Q    And then let's look at the</p> <p>15      last.</p> <p>16      "I met with John and Mike Hall</p> <p>17      this morning, and they are expressing</p> <p>18      frustration with my requests while still</p> <p>19      trying to put systems in place to manage</p> <p>20      the work."</p> <p>21      What -- what requests were</p> <p>22      getting them frustrated?</p> <p>23      A    I would expect it would have</p> <p>24      been -- I would have been referring to some</p> <p>25      of the production trackers, as well as some</p>

<p style="text-align: right;">706</p> <p>1       Monadnock v. Glasswall - Volume III</p> <p>2       Q    So are you saying here that,</p> <p>3       even if they had all the glass on the</p> <p>4       planet, they just couldn't have built this</p> <p>5       stuff?</p> <p>6       A    I think they -- they were</p> <p>7       struggling, trying to get that engineering</p> <p>8       out and released in a manner, either in the</p> <p>9       format or in the timeliness of the</p> <p>10      information.</p> <p>11      CHAIRMAN ROSSI: Let me ask you</p> <p>12      this:</p> <p>13      What was Glasswall doing down</p> <p>14      there in their plant? Was it just an</p> <p>15      assembly plant? I mean, because we</p> <p>16      know we're getting -- we know we were</p> <p>17      getting the glass from another</p> <p>18      company -- AGC, I think it was.</p> <p>19      And then there was -- I guess</p> <p>20      there's all different kind of</p> <p>21      components. There's clips. There's</p> <p>22      this. What was Glasswall doing?</p> <p>23      THE WITNESS: In that facility,</p> <p>24      they were manufacturing the aluminum</p> <p>25      from long lengths into cut and</p>	<p style="text-align: right;">708</p> <p>1       Monadnock v. Glasswall - Volume III</p> <p>2       THE WITNESS: As well as their</p> <p>3       own floor in manufacturing the</p> <p>4       aluminum as well.</p> <p>5       CHAIRMAN ROSSI: Right.</p> <p>6       MR. RENDA: What I don't</p> <p>7       understand, you said they were</p> <p>8       struggling getting engineering out.</p> <p>9       What do you mean -- what did you mean</p> <p>10      by that?</p> <p>11      THE WITNESS: So production</p> <p>12      releases -- so whether it would be a</p> <p>13      takeoff that would go to a</p> <p>14      manufacturer of glass or panels that</p> <p>15      says "I need this size panel</p> <p>16      fabricated in this manner, in this</p> <p>17      finish, in this quantity, in this time</p> <p>18      period, in order for me to execute the</p> <p>19      work," they were consistently behind</p> <p>20      in trying to generate that</p> <p>21      information, whether it was panels or</p> <p>22      louvers or glass, for that matter, for</p> <p>23      their internal fabrication.</p> <p>24      CHAIRMAN ROSSI: Well, how many</p> <p>25      different types of windows were there?</p>
<p style="text-align: right;">707</p> <p>1       Monadnock v. Glasswall - Volume III</p> <p>2       fabricated parts. So they would --</p> <p>3       CHAIRMAN ROSSI: Is that the</p> <p>4       frame of the window then?</p> <p>5       THE WITNESS: Yes. So they'd</p> <p>6       take aluminum extrusions and then cut,</p> <p>7       notch, drill, slot the material in</p> <p>8       order to then assemble it. They were</p> <p>9       procuring panels, back pans, which is</p> <p>10      an interior --</p> <p>11      CHAIRMAN ROSSI: So they were</p> <p>12      buying -- they were buying the glass,</p> <p>13      right?</p> <p>14      THE WITNESS: Buying glass.</p> <p>15      They were buying panels, back pans,</p> <p>16      louvers.</p> <p>17      CHAIRMAN ROSSI: Okay. So I</p> <p>18      think what you're saying here is that</p> <p>19      they weren't able to, in your view,</p> <p>20      consistently order this stuff because</p> <p>21      they weren't getting the engineering</p> <p>22      releases that the other -- the third</p> <p>23      party-manufacturers needed in order to</p> <p>24      get them the proper stuff.</p> <p>25      Is that right.</p>	<p style="text-align: right;">709</p> <p>1       Monadnock v. Glasswall - Volume III</p> <p>2       THE WITNESS: I would have to</p> <p>3       go back. I don't recall.</p> <p>4       CHAIRMAN ROSSI: More than</p> <p>5       five?</p> <p>6       THE WITNESS: Certainly.</p> <p>7       CHAIRMAN ROSSI: Yeah. Okay.</p> <p>8       Because I'm thinking, if there's just</p> <p>9       one kind of window, you can order all</p> <p>10      the stuff at once. Right? But I</p> <p>11      guess there are different --</p> <p>12      THE WITNESS: There's</p> <p>13      architectural features, modules,</p> <p>14      different elements of the wall.</p> <p>15      CHAIRMAN ROSSI: And</p> <p>16      different -- different pieces. When I</p> <p>17      say "pieces," I mean units, let's call</p> <p>18      them -- different units, different</p> <p>19      requirements, and different size</p> <p>20      things that you had to order?</p> <p>21      THE WITNESS: They may. Right.</p> <p>22      There were some items that were very</p> <p>23      unique and others that were common</p> <p>24      across different units as well.</p> <p>25      CHAIRMAN ROSSI: Okay.</p>

<p style="text-align: right;">718</p> <p>1       Monadnock v. Glasswall - Volume III</p> <p>2       attachment you refer to, and that's 44284</p> <p>3       up on the screen. And you can just, you</p> <p>4       know, walk us through this.</p> <p>5       What are you showing here?</p> <p>6       MR. KLEINHENDLER: Jocelyn, he</p> <p>7       needs to see it.</p> <p>8       (There was a discussion off the</p> <p>9       record.)</p> <p>10      Q   What is this?</p> <p>11      A   So this would have been just</p> <p>12      their -- again, their recap by typology,</p> <p>13      what was assembled, what was glazed, what</p> <p>14      was crated, on a job-to-date basis.</p> <p>15      MR. KLEINHENDLER: You want to</p> <p>16      just scroll down, Jocelyn.</p> <p>17      Q   And these are quantities that</p> <p>18      you observed?</p> <p>19      CHAIRMAN ROSSI: It's the same</p> <p>20      thing we've seen the last time.</p> <p>21      This is your --</p> <p>22      Q   It's updated.</p> <p>23      CHAIRMAN ROSSI: Yeah. It's an</p> <p>24      updated version of what you did the</p> <p>25      last time, right, Mr. Barber?</p>	<p style="text-align: right;">720</p> <p>1       Monadnock v. Glasswall - Volume III</p> <p>2       44286.</p> <p>3       CHAIRMAN ROSSI: All right. Go</p> <p>4       ahead.</p> <p>5       Q   Yeah. So you're attaching</p> <p>6       daily production recaps, and you're noting</p> <p>7       that, because you don't have a master list,</p> <p>8       there are gaps in the counts. What do you</p> <p>9       mean by that?</p> <p>10      A   So as far as just aligning the</p> <p>11      information in order to have a smooth</p> <p>12      production, trying to understand what</p> <p>13      typologies they needed on any given day in</p> <p>14      order to feed the lines.</p> <p>15      Q   And you're saying here:</p> <p>16      "Therefore, some production for</p> <p>17      the subsets may not be actually captured in</p> <p>18      these recaps. If these recaps are being</p> <p>19      distributed, please share."</p> <p>20      What is your concern?</p> <p>21      A   Well, there's a couple of</p> <p>22      concerns. One is that the information</p> <p>23      systems that they had often were</p> <p>24      disconnected or the -- they didn't align,</p> <p>25      either what the total counts were or what</p>
<p style="text-align: right;">719</p> <p>1       Monadnock v. Glasswall - Volume III</p> <p>2       THE WITNESS: Yes.</p> <p>3       CHAIRMAN ROSSI: This is your</p> <p>4       document, correct?</p> <p>5       THE WITNESS: Yes.</p> <p>6       CHAIRMAN ROSSI: All right.</p> <p>7       MR. KLEINHENDLER: 44285. Put</p> <p>8       that up.</p> <p>9       Q   Then we have another chart,</p> <p>10      44285. I just want to identify this.</p> <p>11      Can you tell us what this is?</p> <p>12      This is, what, the next day, 10/29?</p> <p>13      A   I think if you scroll down, the</p> <p>14      reference to types, if you -- if you keep</p> <p>15      going down, right, the -- the "to be</p> <p>16      determined," they were still trying to</p> <p>17      resolve the typologies that were needed or</p> <p>18      the quantities of the different typologies</p> <p>19      that were needed in the work.</p> <p>20      Q   That's what the "TBD" stands</p> <p>21      for?</p> <p>22      A   Yes.</p> <p>23      Q   And this is at -- what's the</p> <p>24      date of this? As of when? The end of</p> <p>25      October. Okay.</p>	<p style="text-align: right;">721</p> <p>1       Monadnock v. Glasswall - Volume III</p> <p>2       they were required to complete the work.</p> <p>3       And then, obviously, with that</p> <p>4       second one, I -- I didn't know the</p> <p>5       distribution of these reports. If somebody</p> <p>6       just looks at numbers, I wanted them to</p> <p>7       know that there could be variations in that</p> <p>8       number because of the information systems</p> <p>9       that were inside of Glasswall.</p> <p>10      Q   Are you just politely saying</p> <p>11      that their numbers may be wrong?</p> <p>12      A   Yes.</p> <p>13      Q   Okay. Let's go to the next --</p> <p>14      we're going to go to the attachment. This</p> <p>15      is now 44287.</p> <p>16      And this is the recap where</p> <p>17      you're saying you're not sure about the</p> <p>18      numbers?</p> <p>19      A   Correct.</p> <p>20      Q   Okay. All right. And let's go</p> <p>21      to 44288, and let's see what that is. It's</p> <p>22      another slide.</p> <p>23      MR. KLEINHENDLER: Nothing</p> <p>24      there.</p> <p>25      MS. WEINSTEIN: No, no, no.</p>

<p style="text-align: right;">758</p> <p>1       Monadnock v. Glasswall - Volume III</p> <p>2       third-party production to be there in a</p> <p>3       timely manner to execute the assemble and</p> <p>4       glaze of the work.</p> <p>5       CHAIRMAN ROSSI: So AGC is</p> <p>6       producing glass that's -- I don't want</p> <p>7       to say it's not needed immediately,</p> <p>8       but something that's not of a high</p> <p>9       priority, and it should be producing</p> <p>10       some other type of glass or some other</p> <p>11       type of product that you believe that</p> <p>12       GW really needed at that point; is</p> <p>13       that correct?</p> <p>14       THE WITNESS: Yes.</p> <p>15       Q    Okay.</p> <p>16       "AGC has reached out to GW to</p> <p>17       see if there's a shift in the priorities."</p> <p>18       What were they trying to do?</p> <p>19       A    They were -- they were trying</p> <p>20       to make sure that they were producing in</p> <p>21       the sequence so that the assemble and glaze</p> <p>22       could -- could continue and get to the job</p> <p>23       site.</p> <p>24       Q    And that wasn't happening. Is</p> <p>25       that what you're saying?</p>	<p style="text-align: right;">760</p> <p>1       Monadnock v. Glasswall - Volume III</p> <p>2       conversation with them?</p> <p>3       A    I would, on occasion.</p> <p>4       Q    And that's what you're</p> <p>5       reporting here?</p> <p>6       A    Yes.</p> <p>7       MS. FODOR: Did Glasswall</p> <p>8       object to you theoretically talking to</p> <p>9       AGC.</p> <p>10       A    There were times where it was</p> <p>11       acceptable, and there were times that they</p> <p>12       were not pleased with that.</p> <p>13       Q    So if you go back to this</p> <p>14       exhibit, Paul is saying that:</p> <p>15       "There are approximately 199</p> <p>16       missing pieces of glass for Parcel A,</p> <p>17       second through sixth floor."</p> <p>18       And you respond:</p> <p>19       "You have it right."</p> <p>20       A    That's -- Paul's interpretation</p> <p>21       of the information is correct.</p> <p>22       Q    So are you saying that even for</p> <p>23       floors 2 through 6, they still don't --</p> <p>24       they're still missing a lot of material as</p> <p>25       of November 19th?</p>
<p style="text-align: right;">759</p> <p>1       Monadnock v. Glasswall - Volume III</p> <p>2       A    Oftentimes, the two were not</p> <p>3       aligned.</p> <p>4       Q    Okay. Let's go to the next --</p> <p>5       let's go to the next paragraph.</p> <p>6       You're talking now about</p> <p>7       another product. Just explain that to the</p> <p>8       panel, on page 44336.</p> <p>9       MR. RENDA: Three what?</p> <p>10       Q    Just the next -- just right</p> <p>11       there, next.</p> <p>12       A    Yeah. So the production rate</p> <p>13       at which AGC was producing a particular</p> <p>14       type of glass was not in a manner that</p> <p>15       would allow Glasswall to produce the</p> <p>16       curtain wall units for the next phase of</p> <p>17       the project. Obviously, there was already</p> <p>18       a planned gap, and it would be larger if</p> <p>19       they didn't start increasing their</p> <p>20       production rate of that particular type of</p> <p>21       glass.</p> <p>22       Q    And at the end, you said you</p> <p>23       made AGC aware of the critical nature to</p> <p>24       complete the silkscreen.</p> <p>25       So you had a personal</p>	<p style="text-align: right;">761</p> <p>1       Monadnock v. Glasswall - Volume III</p> <p>2       A    Correct.</p> <p>3       Q    Let's go to 340. It's page --</p> <p>4       it's page 3340.</p> <p>5       MS. WEINSTEIN: 44340.</p> <p>6       MR. KLEINHENDLER: Yes. Sorry.</p> <p>7       Q    This is another report that you</p> <p>8       made, and I just want to focus you on the</p> <p>9       inspections.</p> <p>10       What do you mean by not sending</p> <p>11       an updated list of rejected glass?</p> <p>12       A    Yeah. So part of the process,</p> <p>13       if Glasswall found something that was</p> <p>14       deficient in the glass they received,</p> <p>15       trying to get that communication in a</p> <p>16       timely manner to AGC, to either produce</p> <p>17       that glass or confirm if it's acceptable</p> <p>18       perhaps. But there were gaps in that</p> <p>19       communication.</p> <p>20       Q    Okay. The new inspector at GW,</p> <p>21       Scott Johnson, what is that about?</p> <p>22       A    That would have been an AGC</p> <p>23       person to review the glass that had been</p> <p>24       shipped to Glasswall.</p> <p>25       Q    So now AGC had somebody in</p>